

FORT SAN GERÓNIMO PRESERVATION ACT

NOVEMBER 3, 2023.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 359]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 359) to establish Fort San Gerónimo del Boquerón in Puerto Rico as an affiliated area of the National Park System, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 359 is to establish Fort San Gerónimo del Boquerón in Puerto Rico as an affiliated area of the National Park System, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 359 would establish Fort San Gerónimo del Boquerón as an affiliated area of the National Park System. Affiliated areas are sites managed and owned by non-federal entities but for which the National Park Service (NPS) provides technical or financial assistance under the terms of a formal agreement. In 2020, the NPS published a special resource study and found Fort San Gerónimo is nationally significant, meets suitability criteria, and has strong public support to become an affiliated area and enhance the interpretation and protection of the site.

Fort San Gerónimo del Boquerón is a small, two-level, stone masonry fort located at the easternmost point of the islet of San Juan, Puerto Rico. It is part of the massive fortification system built by Spanish military engineers between the 16th and 19th centuries to protect San Juan from foreign invasions. Fort San Gerónimo became a centerpiece of the city's first line of defense, and the site

is the sole surviving fortification on the island. The fort was eventually acquired by Puerto Rico in 1949 and is now owned and managed by the Institute of Puerto Rican Culture, a state government agency in Puerto Rico. The bill passed out of the House Committee on Natural Resources by unanimous consent during the 117th Congress.

COMMITTEE ACTION

H.R. 359 was introduced on January 13, 2023, by Resident Commissioner Jenniffer González-Colón (R-PR). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On May 27, 2021, the Subcommittee on National Parks, Forests, and Public Lands (now the Subcommittee on Federal Lands) held a hearing on the bill. On May 17, 2023, the Committee on Natural Resources met to consider the bill. The Subcommittee on Federal Lands was discharged from further consideration of the bill by unanimous consent. The bill was then ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: the Subcommittee on National Parks, Forests, and Public Lands (now the Subcommittee on Federal Lands) held on May 27, 2021.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 establishes the short title of the bill as the “Fort San Gerónimo Preservation Act.”

Section 2. Definitions

Section 2 defines the terms “Fort San Gerónimo del Boquerón” and “Secretary” to mean the fort and grounds listed on the National Register of Historic Places and located near Old San Juan, Puerto Rico, and the Secretary of the Interior, respectively.

Section 3. Establishment of affiliated area

Section 3 establishes Fort San Gerónimo del Boquerón as an affiliated area of the National Park System with the Institute of Puerto Rican Culture serving as the management entity. The section also authorizes the Secretary to provide technical assistance and enter into cooperative agreements with the Institute of Puerto Rican Culture for the purpose of providing financial assistance for the marketing, marking, interpretation, and preservation of the affiliated area. This section clarifies that the Secretary is not authorized to acquire property at the affiliated area or to assume overall financial responsibility for the operation, maintenance, or management of the affiliated area. This section also requires the Secretary, in consultation with the Institute of Puerto Rican Culture, to develop a management plan and to submit the plan for review by Congress within three years of funds being made available and clarifies the designation will not affect land use rights of private

property owners adjacent to the site and no buffer zones are created through the designation.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

H.R. 359, Fort San Gerónimo Preservation Act			
As ordered reported by the House Committee on Natural Resources on May 17, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	2	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply? No	
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 359 would designate Fort San Gerónimo del Boquerón in Puerto Rico as an affiliated area of the National Park System to be managed by the Institute of Puerto Rican Culture. The bill would authorize the National Park Service (NPS) to provide technical and financial assistance to the institute to assist with marketing, interpretation, and preservation efforts. H.R. 359 also would require the NPS to develop a management plan for the area within three years of enactment.

Based on the cost of the NPS assisting other affiliated areas, CBO estimates that implementing H.R. 359 would cost \$2 million over the 2023–2028 period; such spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Madeleine Fox. The estimate was reviewed by Chad Chirico, Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to establish Fort San Gerónimo del Boquerón in Puerto Rico as an affiliated are of the National Park System.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to the Congressional Budget Office, H.R. 359 contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

As reported by the Committee on Natural Resources, H.R. 359 makes no changes in existing law.